

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name Torres Tomayo Jr. Manuel M.T.T. Jr.
 (Last) (First) (Initial)

Prisoner Number V12118 Salinas Valley State Prison

Institutional Address Box 1050, Soledad, Ca 93960

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Manuel Torres Tomayo Jr.
 (Enter the full name of plaintiff in this action.)

vs.

Mike Evans (CDN)

(Enter the full name of the defendant(s) in this action)

Case No. **CV 08 3768**
 (To be provided by the Clerk of Court)

COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 Title 42 U.S.C. § 1983

E-filing

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies.

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement Salinas Valley State Prison

B. Is there a grievance procedure in this institution?

YES (✓) NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (✓) NO ()

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal ^① 7/8/08 ^② Ethnicity S.V.S.P. 08-1184 - S.V.S.P. A-08-02866
^③ clinic ^④ medical Appeals
~~S.V.S.P. A-08-02534 - S.V.S.P. A-32-08-4164~~

2. First formal level Duplicate Appeal

3. Second formal level Duplicate Appeal

4. Third formal level Duplicate Appeal

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (✓) NO ()

F. If you did not present your claim for review through the grievance procedure, explain why.

II. Parties.

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

^① Manuel Tomayo Torres Jr. ^② CDC #12118 - Salinas Valley State Prison
 P.O. Box 1050 - Soledad, Ca 95060

B. Write the full name of each defendant, his or her official position, and his or her place of employment.

^① Dr. R. Mock - Medical Doctor - ^② Dr. Drue - Medical Doctor

③ Mr. V. Poyans - Registered Nurse - ④ Mr. A. Burcon - Registered Nurse ⑤ Mr. R. Howell
 2 Registered Nurse ⑥ Dr. Sanly PhD Psychologist ⑦ Mr. Partick C/O Counselor
 3 Dr. Lee - Chief Medical Officer ⑧ Ms. Castro - Registered Nurse - All reside
 4 and work at Salinas Valley State Prison, P.O. box 1050, Salinas, Ca. 93960.

III. Statement of Claim.

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

① Dr. Lee since 2/08 till present has sent me back from central clinic
 everytime i've been there. That is Malpractice Dr. Lee insisted i take
 pharmaceuticals for pain i was told i could die at any moment
 already i was Malpractised by oriental doctors Grisiofulvin and
 Buspirone. Dr. Lee is oriental im the only one who gets no service.
 ② Ms. Castro as a nurse put my life in danger on 6/9/08 while
 drawing blood by some oriental Nurse Ms. Castro came up and
 started moving the table after i told her to be careful so she
 was aware of it. Yet Ms. Castro played the part as if she was
 grabbing files. The needle penetrated in my vein and deeper
 it went, i told the oriental Nurse to stop i was assaulted for
 more blood after that. My head went down i sustained a
 black brace and i still feel the pain. Rest of defendants on
 back pages. They want me to sign paperwork dropping case.

IV. Relief.

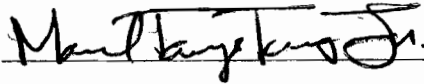
Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

Basically relief of the filing fee \$350. ^{Plus the 20 percent initial fee} I need my birth certificate
 fixed and my name changed as you read in my complaint. Relief
 on fixture of my ethnicity status to white as soon as possible

1 would be appreciated i seek relief with the court, i need medical
 2 service, i also seek that my blood i was assaulted for be collected and
 3 if you put the Registered nurse on here as well i couldn't get a
 4 name to do so. Relief and Justice is highly appreciated. All paper-
 work is here In forma pauperis and all. No reason to mail

5 I declare under penalty of perjury that the foregoing is true and correct. Back.
 6 I ask for relief on this case i filed back in 5/08 or 6/08 maybe 7/08 of
 the same issue. The clerk and financial technician keeps on mailing me
 7 the informa pauperis back saying i failed to mail one both originals here.
 I can't pay \$50.00 on these other ones not my fault what could we call it.

Signed this 31st day of July, 2008

8
 9 

(Plaintiff's signature)

Northern district court.

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Chapter 10 Biological Weapon § 175-178
Ch-12 civil disorder § 231-233, Ch-13 civil rights § 241-248 (e.g., right to medical care, access to courts,
ch. 113c. Torture § 2340(a) ch. 47 Fraud & false statement § 1001, ch. 73 Obstruction § 1501,
ch. 19 conspiracy § 237-242, freedom of association, freedom from cruel and unusual punishment etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by

name, did to violate the right alleged in Count 1.] 3/7/08 V. Pajons refused me medical service even after told by C/O's that i was throwing blood up. V. Pajons R.N. Told C/O's to get me out of CTU and they brought me back to the cell. Defendant -

Defendant - ② 3/12/08 Dr. R. Mack seen me on a check-up he told me i was scheduled for a "MRI" it never happened, they refused me the service i've gone on with all the cruel pain and punishment. I was assaulted for 4 cylinders of blood. I want the court to get them. 6-9-08

Defendant - ③ 4/9/08 Dr. Drue seen me on a check-up after all my man downs due to pain. These doctors want more of my blood, they always lie to me about my medical issues i dont give them anymore blood. They see me in pain, i asked for a lower bunk chrono, Dr. Drue got mad when i asked, and said no. i got serious problems lambar back problems, Larynx damage to mal-practice, im handicap without medical service. I need permanent

Defendant - ④ 4/14/08 A. Burcon R.N. Answers to my man down C/O's helped me walk out the cell i told R.N. that the pain was so bad i couldn't bend over to walk the inflammation was pushing gas and urine out my privates. A. Burcon lied on my report stating i was having problems taking a sit-down witch i never said. Those words never came out as a Verbal understanding nor out of my mouth. I've never in my life had problems with this. A. Burcon diagnosed me wrong on his report and file.

Defendant - ⑤ 4/16/08 R. Howell R.N. seen me he gave me wrong instructions to cause me great bodily injury, he told me i would get a lower bunk chrono witch was a lie. I had a very long heart attack followed by a seizure R.N. told me he didn't like my attitude. I waited three hours in a wheelchair, just to be seen. They still charge me when seen, i shouldn't be charged.

Defendant. ⑥ On 11/27/07, i arrived here at S.V.S.P. i told the Sgt. over at R&R i was white. They refused me as white, They refused to comply with my rights. Counselor Partida never made my change remember im booked as Hispanic and thats Portuguese someone of a portuguese descent. In American Hawaiian and portuguese, we came to a Verbal understanding i should be down as "other" and she said no not going to do it. she Ms. Partida said i get served every day" § 3025 D.N.A. I request that the court collects my D.N.A. samples blood and Specimens to proof my color as white over white. My birth-certificate gets no color four lines ---- under color i need it corrected to be filled in to white over white. My name Manuel Tamayo Torres Jr. changed to "John Torry Oceans." I'll be waiting! Polygraph everyone! I must be changed to white as my C-File as every other white person. I've been at this

Central file refuses on changing my ethnicity from Mexican to white One Counselor Martin is in counsel.

Northern district court

Count 2: The following civil right has been violated:

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

⑦ 12/01-5/08 Dr. Sahly is my check-up psychologist for this "ITC" program. People that started CCCMS psych medication are the people that talk to psych doctors once a month or so. I started the program on 6/12/06 or so due to medical mal-practice Grisofulvin 500mg and as you look at my writing im very sick. complete body nerve damage plus im lucky to be alive from that alone. Other medication i took was Buspirone 15mg twice a day i been off six months as of 6/12/08 which is required to be taken off the "ITC" program. I done it once in 2007, psych's refused to take me off the program, im going on two times of completing this program i want off. Dr. Sahly told me this problem is all in my head in other words im insane. Dr. Sahly asked a verious series of questions one being if i drunk alcohol i said "yes" only when i go out with my brother or family. Ms. Sahly turns around and states in her reports that i abused alcohol, abused alcohol we got two different meanings my liver is irregular at 42 percent due to medical mal-practice the pill never even worked, The way i see it which is funny alcohol abuse could be used against in court so Ms. or Dr. Sahly would say. Im going to not say they want the best for me must i say more, you got or could get my liver lab work on my medical file i mean answering questions for seven or eleven years gets you a job, but the way you use your brain is what makes you a winning psychologist. Your word means nothing when it's based on lies. I know the story, they keep me on the program and when my release comes around they hold me 48 hours after release. Custody probably plans on that already. What's doctors plans was it to leave me nerve damaged for the rest of my life with all the health issues. I think im suppose to say well it is in my head, I don't even want to see or talk even answer anymore questions. Dr. Sahly has to ask. The people of CDC state prison staff and doctors our my only problem in the world they just decided to attempt on killing me with pills i don't even know these people after the court reads this i'd really appreciate if Dr. Sahly stopped calling me in, no reason for it. It's all in my brain, what would happen if you had a weak minded person and if the psych really convinced this person it was in his mind and he did all this to him self? I think you could imagine what people feel like when their back in the hole, you could put the rest together. Defendant - why would i have these problems my uncle "Wayne Holman" works out of San Diego Donagan State Prison, i told the counselors.

Count 3: The following civil right has been violated:

(E.g., right to medical care, access to courts,

Manuel Torres Tamayo Jr.
V12118-A2-207
Salinas Valley State Prison
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Sateedad, Ca 93960

LEGAL MAIL ONLY



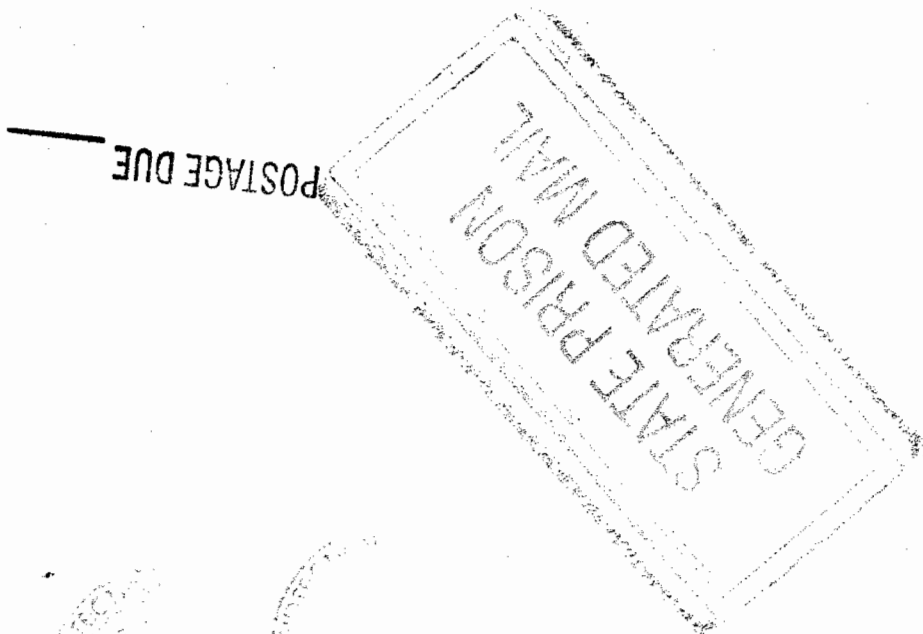
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AUG 6 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[Handwritten signature]

Clerk of the United States district court
for the Northern district of California
450 Goldengate Avenue
Box-36060
San Francisco, CA 94102



Do not
[redacted]

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